IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

MACA.No. 610 of 2003()

OPMV.1474/1998 of MOTOR ACCIDENT CLAIMS TRIBUNAL, PERUMBAVOOR
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APPELLANT/3RD RESPONDENT:

NEW INDIA ASSURANCE COMPANY LTD.,
PERUMBAVOOR.

BY ADV. SRI.RAJAN P.KALIYATH

RESPONDENTS: CLAIMANT AND RESPONDENT:
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1. THANKAPPAN NAIR, S/O. NARAYANAN NAIR,
KAKKATTUKUDY HOUSE, KURICHILAKODE KARA,
KODANAD VILLAGE.

2. SHIBU JOSEPH, S/O. JOSEPH,
THALIYAN HOUSE, KURICHILAKKODE KARA,
KODANAD VILLAGE.

3. MARY JOSEPH, W/O. JOSEPH,
THALIYAN HOUSE, KURICHILAKKODE KARA,
KODANAD POST.

BY ADV. SRI.P.RAMAKRISHNAN
SRI.V.RAJENDRAN (PERUMBAVOOR)
SRI.GEORGE VARGHESE KIZHAKKAMBALAM

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON 05/12/2007, THE COURT ON 04/12/2007 PASSED THE FOLLOWING:

K.S.RADHAKRISHNAN & T.R.RAMACHANDRAN NAIR, JJ.

M.A.C.A.No.610 OF 2003

Dated this the 4th day of December, 2007

JUDGMENT

Radhakrishnan, J.

This appeal is preferred by the Insurance Company. In fact the Insurance Company had filed I.A.No.2724/02 for production of driver's licence. Learner's licence was produced by the first respondent. But there is nothing to show that the person who is having valid licence accompanied the vehicle. Counsel for the Insurance Company submits that the question was not properly considered by the Tribunal. Counsel for the Insurance Company also submits that the amount due to the claimants has already been paid. We also find that the Tribunal had not properly considered the question as to whether the driver was having only learner's licence and the person having the valid licence had accompanied the driver. In such circumstances, we are remanding the matter to the Tribunal to examine as to whether the driver was having any valid licence and as to whether any person having valid licence had accompanied the driver if he was having a learner's licence.

K.S.RADHAKRISHNAN
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

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